



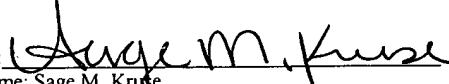
2863
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BURFEIND ET AL. Examiner: V. TAYLOR
Serial No.: 10/004,623 Group Art Unit: 2863
Filed: DECEMBER 3, 2001 Docket: 14305.6USC1
Confirmation No.: 1581 Notice of Allow. Date:
Title: GENERATION AND DISTRIBUTION OF PERSONALIZED MULTIMEDIA NATURAL PHENOMENOLOGICAL INFORMATION

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 27, 2005.

By: 
Name: Sage M. Kruse

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552
PATENT TRADEMARK OFFICE

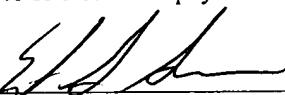
Sir:

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Communication Requesting Withdrawal of Notice of Abandonment, Exhibits 1 and 2
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: Erik G. Swenson
Reg. No.: 45,147
ESwenson/smk

S/N 10/155,418

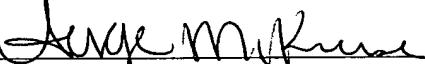
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BURFEIND ET AL.	Examiner:	V. TAYLOR
Serial No.:	10/004,623	Group Art Unit:	2863
Filed:	DECEMBER 3, 2001	Docket No.:	14305.6USC1
Title:	GENERATION AND DISTRIBUTION OF PERSONALIZED MULTIMEDIA NATURAL PHENOMENOLOGICAL INFORMATION		

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By: 
Name: Sage M. Kruse

COMMUNICATION REQUESTING WITHDRAWAL OF NOTICE OF
ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The purpose of this Communication is to direct your attention to the fact that on December 23, 2003, a Petition Under 37 C.F.R. 1.181 for Withdrawal of Holding of Abandonment was made to your attention. I will briefly review the facts for you. On March 24, 2003, the U.S.P.T.O. mailed a first Office Action to the incorrect address. On October 6, 2003, we received a Notice of Abandonment. On December 23, 2003, a Petition for Withdrawal of Holding of Abandonment was made. A copy of this Petition is included herein in its entirety at Exhibit 1. A copy of the Express Mail label is also included in Exhibit 1 showing that the Petition was mailed on December 23, 2003. We received our return post card from the U.S.P.T.O. on January 6, 2004. A copy of the front and back side of this post card is also included for your reference at Exhibit 2. It is interesting to note that the U.S.P.T.O date stamped this post card "DEC 22 2003". Obviously, this is an incorrect date, since we filed the Petition on December 23, 2003.

On February 17, 2004, PAIR indicated that the U.S.P.T.O. lost the file for the above referenced case. On March 3, 2004, PAIR indicated that the U.S.P.T.O. had found the file. It is now January, 2005, and we have not received any communication on the Petition for Withdrawal of Holding of Abandonment from the U.S.P.T.O. In addition, the undersigned has made numerous attempts to contact the U.S.P.T.O. regarding this matter, but has been unsuccessful at getting any response.

This case is plagued with errors by the U.S.P.T.O. First, the U.S.P.T.O. mailed the Office Action to the wrong attorneys at the wrong address. Then, the U.S.P.T.O. date stamped our return post card with a date before we filed the Petition for Withdrawal. Then, the U.S.P.T.O. received our Petition, but never responded to it. In addition, the U.S.P.T.O. lost the above referenced case. Now, the Applicants respectfully plead with the U.S.P.T.O. to withdraw the Notice of Abandonment and allow the prosecution of this patent to continue. Applicants have lost valuable time in getting this patent to issue.

Should any further communication be required to resolve this matter, the Commissioner is urged to contact the undersigned by telephone at the number below to expeditiously bring this matter to a close.



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Dated: January 27, 2005

Signed: 
Name: Erik G. Swenson
Reg. No.: 45,147
EGS/smk

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BURFEIND ET AL. Examiner: V. TAYLOR
Serial No.: 10/004,623 Group Art Unit: 2863
Filed: DECEMBER 3, 2001 Docket: 14305.6USC1
Confirmation No.: 1581
Title: GENERATION AND DISTRIBUTION OF PERSONALIZED MULTIMEDIA NATURAL PHENOMENOLOGICAL INFORMATION



CERTIFICATE UNDER 37 CFR 1.10:
"Express Mail" mailing label number: EV322887254US
Date of Deposit: December 23 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Teresa Anderson*
Name: Teresa Anderson

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552
PATENT TRADEMARK OFFICE

Sir:

EV322887254US

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Petition Under 37 C.F.R. 1.181 for Withdrawal of Holding of Abandonment
- Declaration of Nicholas P. Johns
- Declaration of Richard J. Gregson
- Declaration of Jodi Gandel-Klein in Support of Petition to Withdraw Holding of Abandonment
- Exhibit A: Docket Record for U.S. Patent Application Serial No. 10/004,623
- Response
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: *Nicholas P. Johns*
Name: Nicholas P. Johns
Reg. No.: 48,995
NJohns:PLSdb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BURFEIND ET AL. Examiner: V. TAYLOR
Serial No.: 10/004,623 Group Art Unit: 2863
Filed: DECEMBER 3, 2001 Docket: 14305.6USC1
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Title: GENERATION AND DISTRIBUTION OF PERSONALIZED MULTIMEDIA NATURAL PHENOMENOLOGICAL INFORMATION



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By: *Teresa Anderson*
Name: Teresa Anderson

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552
PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

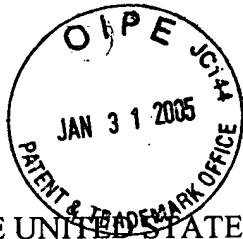
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MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: *Nicholas P. Johns*
Name: Nicholas P. Johns
Reg. No.: 48,995
NJohns:PLSdb

S/N 10/004,623



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BURFEIND ET AL. Examiner: Taylor, Victor J.
Serial No.: 10/004,623 Group Art Unit: 2863
Filed: December 3, 2001 Docket No.: 14305.6USC1
Title: GENERATION AND DISTRIBUTION OF PERSONALIZED MULTIMEDIA
NATURAL PHENOMENOLOGICAL INFORMATION

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By: Teresa Anderson
Name: Teresa Anderson

PETITION UNDER 37 CFR §1.181 FOR WITHDRAWAL OF HOLDING OF
ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition, filed under 37 CFR §1.181, seeks withdrawal of a holding of abandonment in the above-identified case. Applicants were made aware of the abandonment via a Notice of Abandonment mailed on October 1, 2003. This petition requires no fee. MPEP §711.03(c). If the Examiner believes that a fee is due, please charge Deposit Account No. 13-2725.

On February 4, 2003, a terminal disclaimer was filed that dedicated to the public a terminal part of the term of any patent granted in the above-captioned case that would extend beyond the date 20 years from the filing of the parent application, U.S. Patent Application No. 09/374,168, filed on August 13, 1999, now U.S. Patent 6,360,172 B1, issued March 19, 2002.

Statement of Facts

The above-identified application was filed by the Applicant on December 3, 2001, via legal counsel at Schwegman, Lundberg, Woessner & Kluth ("Schwegman"). See Johns Declaration, ¶ 3. This application is assigned to Digital Cyclone, Inc. ("Digital Cyclone"). Id. Digital Cyclone holds several related patent applications in the field of personalized multimedia.

On February 28, 2003, Digital Cyclone transferred all of its files from Schwegman to Merchant & Gould, where this case is now being prosecuted. See Johns Declaration, ¶ 4. On March 10, 2003, papers were filed with the U.S.P.T.O. granting Merchant & Gould power of attorney in this matter, and directing future correspondence to Merchant & Gould. See Johns Declaration, ¶ 5. Fourteen days later, on March 24, 2003, a first Office Action was mailed. See Johns Declaration, ¶ 6. Unfortunately, this Office Action was mailed to Schwegman, Applicant's previous legal representative. Id. Schwegman took steps to notify Applicant of the Office Action, and eventually the Office Action was received by Merchant & Gould. See Johns Declaration, ¶ 7.

At Merchant & Gould, correspondence from the U.S.P.T.O. is routed through a docketing department and is entered into a computerized docketing system to ensure timely response. See Johns Declaration, ¶ 8. Because the Office Action was forwarded to Merchant & Gould through an intermediary, it was not identified as correspondence from the U.S.P.T.O., and was never entered into the docketing system. See Johns Declaration, ¶ 9. For this reason, Applicant unintentionally failed to respond to the Office Action within the permissible six-month period. Id.

Upon transfer of Digital Cyclone's files to Merchant & Gould in February 2003, Richard Gregson was assigned to prosecute this application. See Gregson Declaration, ¶ 2. Mr. Gregson prosecuted this application until his departure from Merchant & Gould on September 30, 2003. Id.

On July 9, 2003, Mr. Gregson conducted a telephone interview with the Examiner assigned to this application. See Gregson Declaration, ¶ 3. According to an Interview Summary mailed with the Notice of Abandonment, Mr. Gregson "indicated that the applicant would not respond and that the case was abandoned." In fact, Mr. Gregson made no such statement. See Gregson Declaration, ¶ 3-5.

According to Mr. Gregson, the topic of how the Applicant might respond to the Office Action came up during the telephone interview. See Gregson Declaration, ¶ 4. Mr. Gregson told the Examiner that he would have to discuss this matter with the client, because the client held several related patent applications, and the response in the present case needed to be determined in light of issues in the other applications. See Gregson Declaration, ¶ 4. At no point did Mr. Gregson state or suggest that the client intended to abandon the application or fail to respond to the Office Action. See Gregson Declaration, ¶ 5.

Remarks

The Holding of Abandonment Should be Withdrawn Because Notice Was Sent To The Incorrect Address

Applicant's counsel respectfully submits that the holding of abandonment should be withdrawn because the United States Patent and Trademark Office failed to mail the Office Action in question to the correct address. This failure comes in the wake of Applicant's counsel having instructed the U.S.P.T.O. to address future correspondence to Merchant & Gould.

Had the U.S.P.T.O. correctly addressed the Office Action, it would have been docketed, and timely response would have been provided. Instead, Merchant & Gould received the Office Action through informal means, and the Office Action was never docketed. For this reason, at the time the Notice of Abandonment was received, a search of the file jacket and docket records indicate that the Office Action was never received from the U.S.P.T.O. See Johns Declaration, ¶ 10. A copy of the docket record where the Office Action would have been entered and docketed is enclosed herewith. See Declaration of Jodi Gandel-Klein in Support of Petition to Withdraw Holding of Abandonment, ¶¶ 1-7.

Mr. Gregson Did Not Expressly Abandon This Application

The Applicant's counsel respectfully points out that the Interview Summary makes reference to an event that occurred on September 26, 2003, meaning that the Interview Summary was written no earlier than that date. Thus, the Interview Summary was written nearly three months after the telephone interview was conducted. The passage of time may have caused the Examiner to forget the exact substance of the telephone interview.

The Applicant's counsel respectfully makes the following observations. On September 25, 2003, representatives from Digital Cyclone and attorneys from Merchant & Gould (including Mr. Gregson) met to discuss strategy. See Johns Declaration, ¶¶ 11-13. During that meeting, this application was discussed. Id. This application figures prominently in Digital Cyclone's strategy. Id. At no point in time did the topic of this case having been abandoned, or at risk of being abandoned, ever arise. Id. It is unthinkable that the topic of abandonment of this case would not have arisen if Mr. Gregson had been aware that this case was abandoned or at risk of being abandoned. Moreover, at the time of the telephone interview, more than two months of extendable time in which to respond to the Office Action remained. There would have been no reason for Mr. Gregson to expressly abandon the application at such a time.

This Petition Has Not Been Intentionally Delayed

The MPEP indicates that this petition may be dismissed "where the record indicates that the applicant intentionally delayed in filing the petition." See MPEP 711.03(c). As mentioned above, the Merchant & Gould attorney originally assigned to prosecute this case left Merchant & Gould on September 30, 2003, one day prior to the mailing of the Notice of Abandonment. The period of time between receipt of the Notice of Abandonment and the present has been spent investigating this matter and determining the appropriate manner in which to proceed—a task made difficult due to the departure of the aforementioned attorney. The applicant has not intentionally delayed in filing this petition.

Conclusion

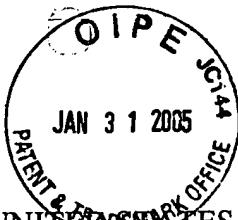
Applicants respectfully petition for withdraw of the holding of abandonment of the above-captioned application. Applicants thank the Commissioner for consideration of this matter. Should any further input be required to resolve this matter, the Commissioner is urged to contact the undersigned by telephone at the number below to expeditiously bring this matter to a close. Should any fees be required for the filing of this Petition, please charge Deposit Account No. 13-2725

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Dated: 23 Dec. 2003

Signed: Nicholas P. Johns
Name: Nicholas P. Johns
Reg. No.: 48,995
NPJohns/lfalla



S/N 10/004,623

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BURFEIND ET AL. Examiner: Taylor, Victor J.
Serial No.: 10/004,623 Group Art Unit: 2863
Filed: December 3, 2001 Docket No.: 14305.6USC1
Title: GENERATION AND DISTRIBUTION OF PERSONALIZED MULTIMEDIA
NATURAL PHENOMENOLOGICAL INFORMATION

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV322887254US
Date of Deposit: December 23, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Petition, Commissioner of Patents and Trademarks, Alexandria, Virginia 22313-1450.

By: Teresa Anderson
Name: Teresa Anderson

DECLARATION OF NICHOLAS P. JOHNS

I, Nicholas P. Johns, declare as follows:

1. I am a registered patent attorney and an associate at the law firm of Merchant & Gould P.C., in Minneapolis, Minnesota. My registration number is 48,995.

2. I presently prosecute the above-captioned application for Digital Cyclone, Inc. ("Digital Cyclone").

3. The above-captioned application was filed by the Applicant on December 3, 2001, via legal counsel at Schwegman, Lundberg, Woessner & Kluth ("Schwegman"). This application is assigned to Digital Cyclone, Inc. ("Digital Cyclone").

4. On or about February 28, 2003, Digital Cyclone transferred all of its files from Schwegman to Merchant & Gould, where this case is now being prosecuted.

5. On March 10, 2003, papers were filed with the U.S.P.T.O. granting Merchant & Gould power of attorney in this matter, and directing future correspondence to Merchant & Gould.

6. On March 24, 2003, a first Office Action was mailed. According to the cover sheet associated with the Office Action, the Office Action was mailed to Schwegman.

7. At some point following receipt of the Office Action by Schwegman, the Office Action was received by Merchant & Gould, although I am not certain of when this occurred.

8. At Merchant & Gould, correspondence from the U.S.P.T.O. is routed through a docketing department and is entered into a computerized docketing system to ensure timely response.

9. Because the Office Action was forwarded to Merchant & Gould through an intermediary, it was not identified as correspondence from the U.S.P.T.O., and was never entered into the docketing system. For this reason, Applicant unintentionally failed to respond to the Office Action within the permissible six-month period.

10. At the time the Notice of Abandonment was received, I examined the file jacket, and the Office Action was not found therein. Docket records show that the Office Action was never received.

11. On September 25, 2003, attorneys from Merchant & Gould and representatives from Digital Cyclone attended a meeting. Mr. Gregson and I were present at this meeting.

12. During the meeting of September 25, 2003, strategy regarding Digital Cyclone's patent portfolio was discussed. The above-captioned application figured prominently in that discussion.

13. At no point during the meeting did any person state or suggest in any way that the above-captioned application was abandoned or even at risk of abandonment.

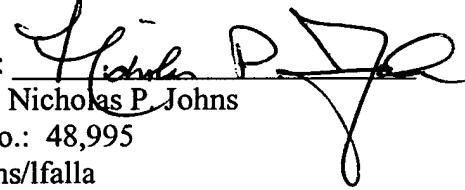
14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Dated: 23 Dec. 2003

Signed: 
Name: Nicholas P. Johns
Reg. No.: 48,995
NPJohns/lfalla



S/N 10/004,623

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BURFEIND ET AL. Examiner: Taylor, Victor J.
Serial No.: 10/004,623 Group Art Unit: 2863
Filed: December 3, 2001 Docket No.: 14305.6USC1
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NATURAL PHENOMENOLOGICAL INFORMATION

CERTIFICATE UNDER 37 CFR 1.10

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By: Teresa Anderson
Name: Teresa Anderson

DECLARATION OF RICHARD J. GREGSON

I, Richard J. Gregson, declare as follows:

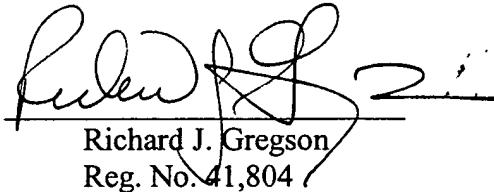
1. I am a registered patent attorney and was an associate at the law firm of Merchant & Gould P.C., in Minneapolis, Minnesota, until September 30, 2003. My registration number is 41,804.
2. Until my departure from Merchant & Gould, I prosecuted the above-captioned application for Digital Cyclone, Inc. ("Digital Cyclone").
3. On July 9, 2003, I conducted a telephone interview of the Examiner assigned to the above-captioned application, Victor J. Taylor.
4. During my interview of Mr. Taylor, the topic of how Digital Cyclone intended to proceed arose. I informed Mr. Taylor that I would have to discuss this matter with the client. Further, I stated that Digital Cyclone held several related patent applications, and that the response in the above-captioned application needed to be determined in light of issues in the other applications.

5. At no point during my telephone interview did I state or suggest that Digital Cyclone intended to abandon the application or fail to respond to the Office Action in question in this matter.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such false statements may jeopardize the validity of the application or any patent issued thereon.

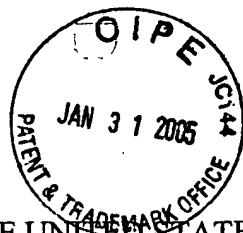
18 Dec 2003
Date

Signed:



Richard J. Gregson
Reg. No. 41,804

S/N 10/004,623



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BURFEIND ET AL. Examiner: Taylor, Victor J.
Serial No.: 10/004,623 Group Art Unit: 2863
Filed: December 3, 2001 Docket No.: 14305.6USC1
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By: Teresa Anderson
Name: Teresa Anderson

DECLARATION OF JODI GANDEL-KLEIN IN SUPPORT OF PETITION
TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Jodi Gandel-Klein, declare and state:

1. I am the Docketing Supervisor for Merchant & Gould P.C., the law firm prosecuting the above-referenced patent application. I have been Docketing Supervisor since November 17, 1997.
2. I am responsible for overseeing all incoming Patent and Trademark Office communications and oversee those responsible for seeing that these communications are properly docketed and entered into our computerized docketing system.
3. Incoming mail received by the firm is sorted into correspondence that may require docketing and correspondence that does not require docketing. The correspondence that may

require docketing is further distinguished between correspondence from the Patent and Trademark Office and other correspondence. After the incoming mail has been date stamped to show date of receipt, a member of the firm's docketing department retrieves the mail that may require docketing and brings it to the docketing department. The appropriate personnel then docket the correspondence.

4. If such an Office Action had been received, the communication would have been docketed by entering into the computerized docket system the date the Office Action was mailed. The computerized docket system would then calculate the due dates for response to the Office Action up to the six month statutory deadline. The first page of the Office Action would then be initialed by the person docketing the Office Action to indicate that it had been docketed and forwarded to the attorney responsible for the patent application for further action, e.g., reporting to the client, etc.

5. I have reviewed the records in the firm's docket system and find no entry for the Office Action for this application, nor any other evidence that would suggest that the Office Action actually was received by the firm.

6. In view of the above, I believe that the Office Action for this application was never delivered to the docketing department for docketing.

7. The docket record for U.S. Patent Application Serial No. 10/004,623 is enclosed herewith as Exhibit A.

8. I declare that all statements made herein of my own knowledge are true and that all statements made on information belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: Dec 23, 2003

By: Jodi Gandel-Klein
Jodi Gandel-Klein

PCMaster v3.03.02 - Merchant & Gould - [Patent]

File Edit Records Utilities Tools Help

Docket Number

14305.000GUSC1

Country

United States

Case Type

Regular

Relation Type

Continuation

Filing Type

National

Filing Number

C1

Attorney

EGS - ERIK G SWENSON

Attorney #2

NPJ - NICHOLAS P. JOHNS

Client

DIGITAL CYCLONE, INC.

Assignee

DIGITAL CYCLONE, INC.

Previous Owner

Client Reference

GENERATION AND DISTRIBUTION OF PERSONALIZED MULTIMEDIA NATURAL-PHENOMENOLOGICAL

Inventor	Licensed To	Add Info	Related ID	Notes	Remarks
Filing Date	Related Priority	Action	Deadline	Comments	Entered By
Published	02/13/2001!	02/13/2001			
IDS DUE	03/03/2002!	03/03/2002	SUPPL IDS FILED		
CLM PRIORITY-119/120	04/03/2002!	04/03/2002			
STATUS	04/11/2003	04/11/2003			
Status/Address Check	10/11/2003	09/30/2003			
REVIVE APPLN/PTA	11/24/2003!	11/24/2003	SEE NOT OF ABAN		
REVIVAL 6 MO	03/24/2004!				
Status/Address Check	04/11/2004	10/01/2003			
FINAL REVIVAL	09/24/2004!				
TRANSFER					
Small Entity Status		03/18/2003			

Created: 03/11/2003 Updated: 11/24/2003 3:38 PM By: HNK

Start

10:15 AM

EXHIBIT

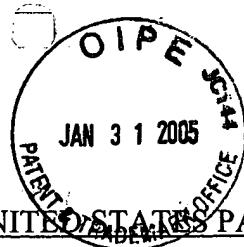
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PCMaster v3.03.02 - Merchant & Gould - [Patent]

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Docket Number	14305.0006USC1	Attorney	EGS - ERIK G SWENSON		
Country	United States	Attorney #2	NPJ - NICHOLAS P. JOHNS		
Case Type	Regular	Client	DIGITAL CYCLONE, INC.		
Relation Type	Continuation	Assignee	DIGITAL CYCLONE, INC.		
Filing Type	National	Previous Owner			
Filing Number	C1	Client Reference			
GENERATION AND DISTRIBUTION OF PERSONALIZED MULTIMEDIA NATURAL PHENOMENOLOGICAL					
Inventors	Licensees	Add Info	Related Info	Links	Remarks
Item Date	Related Party No.	Actions	Client Info	Expenses	Ex-Files
Status	Filed		First Filing Date	08/13/1999	
Sub Status	Pending		Parent Filing Date	08/13/1999	
Parent Country			Parent Grant Date		
Parent Number			Ind. Claims / Designs		
Total Claims			Filing Date	12/03/2001	
Application Number	10/004623		Issue Date		
Patent Number			Publication Date		
Publication Number			Expiration Date		
Assigned			Term Date		
Convention Type			New Tax Date		
Responsible Office	Minneapolis/St. Paul				
Created: 05/11/2010 Updated: 11/24/2003 3:38 PM BY: HNK					
Standby	S	Y	Y	Y	Y
10:16 AM					

S/N 10/004,623



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BURFEIND ET AL. Examiner: Taylor, Victor J.
Serial No.: 10/004,623 Group Art Unit: 2863
Filed: December 3, 2001 Docket No.: 14305.6USC1
Title: GENERATION AND DISTRIBUTION OF PERSONALIZED MULTIMEDIA
NATURAL PHENOMENOLOGICAL INFORMATION

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV322887254US
Date of Deposit: December 23, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Petition, Commissioner of Patents and Trademarks, Alexandria, Virginia 22313-1450

By: Teresa Anderson
Name: Teresa Anderson

RESPONSE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed March 24, 2003. Applicants are filing a Petition to Withdraw Holding of Abandonment concurrently with this response. It is believed that an extension of time and fee are not necessary in light of the above petition. If the Examiner determines that a fee is necessary, please charge Deposit Account No. 13-2725

Applicants thank the Examiner for the allowance of claims 18-50. Applicants previously cancelled claims 1-17, 54 and 67-69. With respect to the Examiner's rejection of claims 51-53 and 55-66, Applicants herewith cancel claims 51-53 and 55-66.

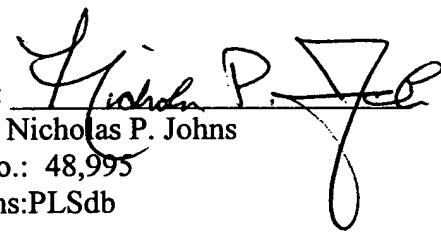
It is believed that this application is now in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Dated: 23 Dec. 2003



Signed: 
Name: Nicholas P. Johns
Reg. No.: 48,995
NPJohns:PLSdb



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Mailing Label
Label 11-F June 2002



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Time In	Military	Return Receipt Fee	
<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day		
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee	Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$	

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Delivery Attempt	Time	Employee Signature	
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		
Delivery Date	Time	Employee Signature	
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent. If delivery employee judges that article can be left in entire location and I authorize that delivery employee's signature constitutes valid proof of delivery. NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday			
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Time In	Military	Return Receipt Fee	
<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day		
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee	Insurance Fee
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Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent. If delivery employee judges that article can be left in entire location and I authorize that delivery employee's signature constitutes valid proof of delivery. NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		
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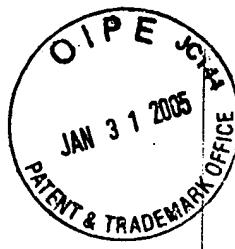
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Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: BURFEIND ET AL.

For: GENERATION AND DISTRIBUTION OF PERSONALIZED MULTIMEDIA NATURAL

PHENOMENOLOGICAL INFORMATION

Docket No.: 14305.6USC1

Serial No.: 10/004,623

Filed: DECEMBER 3, 2001

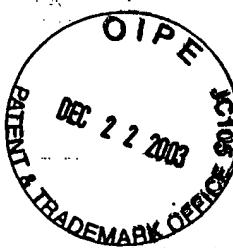
Due Date:

Express Mail No.: EV322887254US

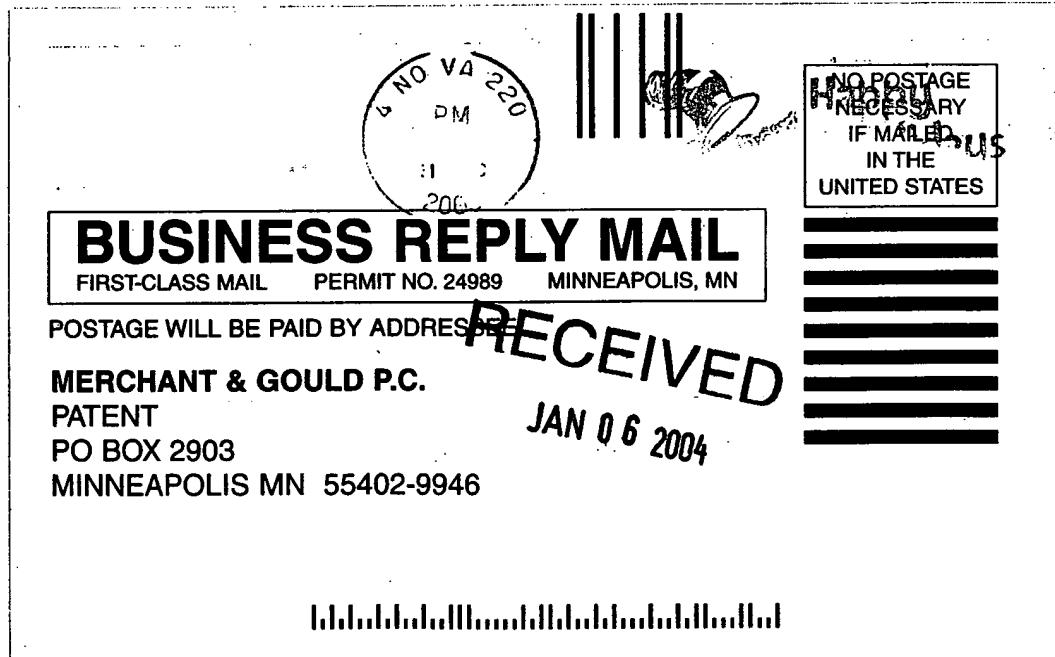
Date Mailed: December 22, 2003

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Petition Under 37 C.F.R. 1.181 for Withdrawal of Holding of Abandonment
- Declaration of Nicholas P. Johns
- Declaration of Richard J. Gregson
- Declaration of Jodi Gandel-Klein in Support of Petition to Withdraw Holding of Abandonment
- Exhibit A: Docket Record for U.S. Patent Application Serial No. 10/004,623
- Response
- Return postcard

Patent



NJohns:PLSdb



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